

EASEMENT, Made this 13th day of January, 1959,
by THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, a Kansas
corporation, hereinafter called "Santa Fe", first party, to
CITY OF RIVERSIDE, a California municipal corporation, hereinafter
called "City", second party.

Santa Fe hereby donates and grants to the City an easement for the
construction of a highway underpass under and across that certain parallelogram
shaped parcel of land in the City of Riverside, County of Riverside, State of
California, being a portion of the West Half of Section 35, Township 2 South,
Range 5 West, San Bernardino Base and Meridian, and being all that portion of
The Atchison, Topeka and Santa Fe Railway Company's 100 foot wide right of way,
more particularly described as follows:

Beginning at the intersection of the northerly line of the
Southwest Quarter of said Section 35 with the northwesterly line of
said 100 foot wide right of way, said point of intersection being
distant easterly along said northerly line 356.24 feet from the north-
westerly corner of the Southwest Quarter of said Section 35; thence
South $49^{\circ}03'06''$ West (bearing assumed for purpose of this description)
along said northwesterly line 88.19 feet; thence North $85^{\circ}10'56''$ East
169.60 feet to a point in the southeasterly line of said 100 foot wide
right of way; thence North $49^{\circ}03'06''$ East along said southeasterly
line 219.39 feet; thence South $85^{\circ}10'56''$ West 169.60 feet to a point
in said northwesterly line; thence South $49^{\circ}03'06''$ West along said
northwesterly line 131.20 feet to the point of beginning. Said parcel
contains an area of 0.508 acre of land, more or less.

This easement is subject and subordinate to the prior and continuing
right and obligation of the Santa Fe, its successors and assigns, to use all of
the land described herein in the performance of its public duty as a common
carrier and for that purpose Santa Fe expressly reserves for itself, its
successors and assigns, the right to construct, reconstruct, maintain and
operate existing or any additional railroad tracks, facilities and appurtenances

thereto upon, along and across the land described herein in such manner as may be consistent with the enjoyment of the easement for highway purposes herein granted to City.

TO HAVE AND TO HOLD the above described easement from the date hereof, subject, however, to all valid and existing contracts, leases, licenses, easements and encumbrances which may in any wise affect the premises, and subject also to the express conditions subsequent following:

1. That said parcel of land shall be used for no other purpose than that of a public highway.

2. That if said parcel of land is not entered upon and appropriated by the City within a period of two (2) years from the date hereof this instrument shall be null and void.

3. That the City shall and will repair and restore any property belonging to Santa Fe that may be damaged by the City and will save harmless and indemnify the Santa Fe against all claims, demands, suits, judgments, expenses, and costs of any and every kind, insofar as it may legally do so, on account of the injury to or death of persons or loss of or damage to property arising in any manner out of or in connection with any work by the City upon the hereinabove described parcel.

4. That if the land hereinabove described or any portion thereof shall cease to be used for the purpose as above stated, then and in that event the right hereby given shall as to such portion or portions, as the case may be, thereupon cease and determine and Santa Fe, its successors and assigns, shall resume possession thereof the same as though this instrument had not been executed.

5. That the City will not give or consent to any franchise, right, privilege or easement upon, across, under or over the Santa Fe's tracks and right of way which might in any manner interfere with the operation or maintenance of Santa Fe property.

6. This instrument is given without warranty of title of any kind, express or implied, and no covenant of warranty of title shall be implied from the use of any word or words herein contained.

All of the conditions herein contained shall be binding upon the assigns of the City and shall inure to the benefit of the successors and assigns of the Santa Fe.

IN WITNESS WHEREOF, Santa Fe has duly executed this instrument the day and year first above written.

THE ATCHISON, TOPEKA AND SANTA FE
RAILWAY COMPANY

By *R. B. Rydman*
Its Vice President

ATTEST:

W. A. [unclear]
Its Secretary

*Recorded Jan. 14, 1960
Book 2615 pg. 577*

1 RESOLUTION NO. 3792

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 RIVERSIDE, CALIFORNIA, MAKING ITS FINDINGS AND
4 DETERMINATIONS IN THE MATTER OF RESOLUTION OF
5 INTENTION NO. 8770; RESERVING EASEMENTS AND RIGHTS
6 OF WAY, AND DETERMINING THAT THE PUBLIC CONVENIENCE
AND NECESSITY REQUIRE RESERVATION OF SUCH EASEMENTS
AND RIGHTS OF WAY; AND MAKING ITS ORDER VACATING A
PORTION OF GLENHAVEN AVENUE.

7 WHEREAS, on December 22, 1959, the City Council of the
8 City of Riverside adopted Resolution No. 8770 declaring its
9 intention to order the vacation of a portion of Glenhaven
10 Avenue, and fixing the time and place of hearing all persons
11 interested in the proposed vacation, pursuant to the provisions
12 of the Street Vacation Act of 1941, being Sections 8300 et seq.
13 of Part 3, Division 9 of the Streets and Highways Code of the
14 State of California; and,

15 WHEREAS, said proposed vacation was submitted to and
16 acted upon by the Planning Commission of the City of Riverside,
17 and notice of hearing said resolution was given as provided by
18 said Street Vacation Act of 1941; and,

19 WHEREAS, on the day fixed for the hearing the City Council
20 heard and considered the evidence offered by persons interested
21 and found, and hereby finds, from all of the evidence submitted
22 that the portion of said Glenhaven Avenue hereinafter ordered
23 vacated is unnecessary for present or prospective public use.

24 NOW, THEREFORE, IT IS RESOLVED AND ORDERED by the City
25 Council of the City of Riverside, California, that the portion
26 of said Glenhaven Avenue in the City of Riverside, County of
27 Riverside, State of California, and described as follows:

28 A portion of that certain strip of land 60 feet in
29 width, as conveyed to the City of Riverside for high-
30 way purposes, by deed recorded April 3, 1902, in Book
31 147 of Deeds, at page 65 thereof, Records of Riverside
County, California, said portion being more particularly
described as follows:

32 Commencing at the northerly terminus of that
certain course described in said deed as "thence North